

## National Anti-Corruption Policy Institute

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June 4, 2015

Hon. Thomas M. Durkin  
U.S. District Judge  
219 S. Dearborn  
Chicago, IL 60604

Re: U.S. v. Hastert, 1:15-cr-00315-1

Dear Judge Durkin:

I am writing to ask that you recuse yourself from the above case.

Although one published report has suggested that the United States and the Defendant can waive the conflict inherent in your prior campaign contributions to Speaker Hastert, I strongly disagree. A criminal trial is quintessentially a proceeding in which the public interest and public integrity are paramount.

Whether you are impartial or not is irrelevant. The "appearance of justice" is the overriding concern and the standard governing your behavior. Given the corrupt history of both parties in Illinois the fact that you were a financial contributor to Speaker Hastert's campaigns would cause an ordinary person to view your presence as the presiding judge with suspicion.

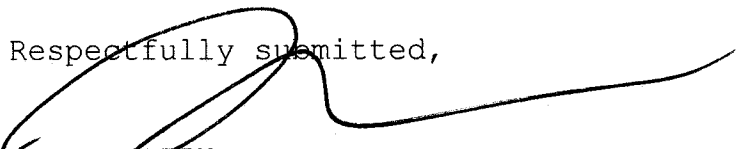
In addition, you were promoted for the federal bench by Mark Kirk, who is a Hastert crony.

Finally, your behavior in the case is already a little suspicious, if not bizarre. A week after Hastert was indicted, I checked the online docket (Wednesday night). Hastert still does not have counsel of record. (I have seen a published report that he has counsel but I am entitled to rely on the official online docket sheet of the court.) His arraignment was simply postponed. Is he treating the criminal charges with the seriousness they deserve? Would you treat any other criminal defendant the way you have already treated Hastert? Doubtful.

I don't think the issue of your campaign contributions should become a sideshow that distracts from the seriousness of the accusations against Speaker Hastert. If you want me to file a memorandum of law or other document I am prepared to do so, or even to file a petition for mandamus if you believe that is the proper avenue to test your impartiality. But I think the appearance of justice would best be served if you promptly stepped down and allowed the case to be reassigned through the wheel.

I have emailed a copy of this letter to the U. S. Attorney's office but I am unable to notify Mr. Hastert because he has not yet surfaced. If you will provide me, or if the U. S. Attorney will provide me, with any contact information they have, I will promptly notify Mr. Hastert with a copy of this letter.

Respectfully submitted,



ANDY MARTIN

AM:sp

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